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SERVICE DATE - OCTOBER 2, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 393X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY-ABANDONMENT EXEMPTION -IN NELSON
AND EDDY COUNTIES, ND

Decided: October 1, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon and discontinue service over a 6.00-mile line of railroad between milepost 92.00 in Tolna and milepost 98.00 in Hamar, in Nelson and Eddy Counties, ND. Notice of the exemption was served and published in the Federal Register on May 9, 2002 (67 FR 31400). The notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by May 9, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹ Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On April 16, 2003, BNSF filed such an extension request. By decision served May 1, 2003, the due date for filing a notice of consummation was extended to September 30, 2003.

On September 30, 2003, BNSF filed a request to extend the deadline for filing its notice of consummation until November 30, 2003. According to BNSF, the extension is necessary due to weather-related delays and salvage scheduling. The salvage operations are not planned to be completed until approximately November 30, 2003. Accordingly, good cause has been shown and the deadline for filing the notice of consummation will be extended to November 30, 2003.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By decision served June 7, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to environmental conditions. The environmental conditions remain in effect.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 30, 2003.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary